

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IVAN L. MENDEZ, :
: Petitioner,
v. : : Civil Action No. 04-1409-JJF
: THOMAS L. CARROLL, :
Warden, : Respondent. :

O R D E R

At Wilmington this 9 day of August, 2005;

IT IS ORDERED that:

Petitioner Ivan L. Mendez's Motion To Extend Time For Evidence is DENIED. (D.I. 9.) Petitioner does not describe the evidence he is waiting for nor does he explain its relevance to the instant habeas proceeding. As such, Petitioner has failed to demonstrate "good cause" to warrant granting what is, essentially, a discovery request. See Rule 6, 28 U.S.C. foll. 28 U.S.C. § 2254 (discovery is available in habeas corpus proceedings at the discretion of the court for "good cause" shown); Marshall v. Hendricks, 103 F.Supp.2d 749, 760 (D.N.J. 2000), rev'd in part on other grounds, 307 F.3d 36 (3d Cir. 2002) (citing Deputy v. Taylor, 19 F.3d 1485, 1493 (3d Cir. 1994)) (a petitioner establishes "good cause" by "point[ing] to specific evidence that might be discovered that would support a

constitutional claim") .



UNITED STATES DISTRICT JUDGE